

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

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UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 08-CV-151-LRR
)	
BERTHEL SBIC, LLC)	
)	
Defendant.)	
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**ORDER APPROVING THE FORM AND MANNER OF NOTICE
TO CLAIMANTS AND ESTABLISHING A CLAIMS BAR DATE**

This matter came upon the Motion of the U. S. Small Business Administration (“SBA”) as Receiver (“Receiver”) for Berthel SBIC, LLC (“Berthel”), for Entry of an Order Approving the Form and Manner of Notice to Claimants and Establishing a “Claims Bar Date”. After careful consideration and no objection being received, this Court, being duly advised on the merits of the Motion, hereby

ORDERS AND DECREES THAT:

1. The Receiver’s Motion for Entry of an Order Approving the Form and Manner of Notice to Claimants and Establishing a “Claims Bar Date” is GRANTED;
2. Following the entry of this Order, the Receiver is Ordered to send notices, substantially in the form set forth as Exhibit A hereto, via first-class mail, postage prepaid, to the last known addresses of those persons or entities, other than the U. S. Small Business Administration (“SBA”), which the Receiver has reason to believe are creditors, agents, former directors or officers, employees, participant investors or

lenders with Berthel, portfolio concerns of Berthel, former accountants and attorneys, and to any other persons or entities who have, during the term of the receivership, asserted a claim (of whatever kind or merit) against Berthel, the Receivership estate, or assets or funds in the possession of the Receiver;

3. The Receiver is further ordered to publish notice, substantially in the form set forth in Exhibit A hereto, once each week for two weeks in the *Cedar Rapids Gazette*, a newspaper of general circulation serving the Cedar Rapids, Iowa, metropolitan area. This Court finds that notice provided in the form and manner described in Paragraphs 2 and 3 of this Order is reasonable notice, under the circumstances, to persons or entities who may have claims against Berthel, the Receivership Estate, or assets or funds in the possession of the Receiver;

4. All persons or entities having claims against Berthel, the Receivership Estate, or assets or funds in the possession of the Receiver, other than the SBA and parties contracted or retained by the SBA as Receiver, are ordered to file such claims in writing and in the form prescribed in paragraph 6 of this Order with the receiver:

c/o Barbara R. Klein, Principal Agent for SBA as Receiver of Berthel SBIC, LLC,
1100 G Street, N.W., Suite 200, Washington, D.C. 20005, within (30) days of the last day of notice by publication, which date will be stated in the mailed and published notices;

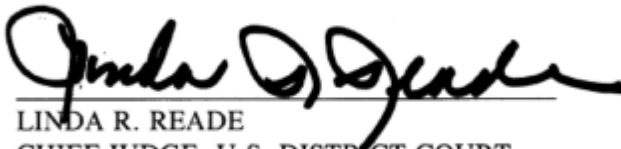
5. In setting forth a claim against Berthel, the Receivership estate, or assets or funds in the possession of the Receiver, all persons and entities are ordered to state in writing:
(1) the full name, address and telephone number of the claimant; (2) the amount of the claim, (3) the specific grounds for each claim, and (4) the date on which the

obligation was allegedly incurred by Berthel. All such persons or entities are further ordered to provide, at the time of filing such written claims, (5) any and all documents or other materials which the claimant believes supports the claim or might assist the Receiver in evaluating the claim;

6. In the event that the Receiver recommends denial of any claim(s), the Receiver is ordered and directed to move for summary disposition of said claim(s), and to furnish a copy of the moving papers to the claimant(s); in such case the claimant(s) may respond within 30 days, serving a copy of its response on the Receiver, and the Court will resolve said claim(s) expeditiously through a summary procedure that the Court will determine at that time; and
7. To give effect to the “claims bar date” established in Paragraph 5 of this Order, by which date claims must be filed or shall forever be barred, it is further Ordered that any person or entities, other than the SBA and parties contracted or retained by the SBA as Receiver, which fail to file a claim against Berthel, the Receivership Estate, or assets or funds in the possession of the Receiver, in the form and by the time and date required by this Order, shall be forever barred and permanently enjoined from asserting, pursuing or prosecuting any such claims, of any kind or nature, whether now known or unknown, against Berthel, its Receiver, their successors or assigns, or against assets or funds in the possession of the Receiver.

IT IS SO ORDERED.

DATED this 10th day of July, 2009.

A handwritten signature in black ink, appearing to read "Linda R. Reade", written over a horizontal line.

LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA